

REMARKS

The Official Action rejected Claims 1-15 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,282,246 to Chao-Ming Yang in view of U.S. Patent No. 6,603,959 to Andreas Peiker. As described in detail below, independent Claim 1 has been amended to further patentably distinguish the holding device of the claimed invention from the cited references, taken either individually or in combination. As a result of the amendments to independent Claim 1, dependent Claim 3 has been canceled. Based on the foregoing amendments and the following remarks, reconsideration of the present application and allowance of the current set of claims are respectfully requested.

Independent Claim 1 is directed to a holding device for a mobile telephone that includes a holding surface, a head-holding bracket and a pressing unit. The pressing unit is defined to include an elastic pressing element that is configured to exert, on a foot area of the mobile telephone, a holding force F_{hold} that is directed parallel to the longitudinal axis of the mobile telephone when the mobile telephone is held by the holding device. As a result of the holding force, the head area of the mobile telephone is pressed against the head-holding bracket. Independent Claim 1 also recites that the head-holding bracket and a foot holding bracket are provided to secure the mobile telephone on the holding surface against a force in the transverse direction. Additionally, the holding device of independent Claim 1 is described to be made of multiple parts and to include an annular holder. As now amended, independent Claim 1 recites that the annular holder "is a part that is separable as a unit from the holding surface". In addition, amended independent Claim 1 recites that the annular holder "comprises at least the head-holding bracket and the foot holding bracket". Further, the annular holder is formed, in a plan view, essentially in the form of the frame.

None of the cited references, taken either individually or in combination, teach or suggest the holding device of amended independent Claim 1. In particular, neither of the cited references teaches or suggests "an annular holder which is a part that is separable as a unit from the holding surface and which comprises at least the head-holding bracket and foot holding bracket". See, for example, annular bracket 430 of Figure 3 of the present application. As described on page 16, line 25 - page 17, line 1 of the present application, an embodiment as depicted in Figure 3

that includes an annular holder of the type set forth by amended independent Claim 1 is advantageous in that different versions of the holding device may be provided and adapted to hold different mobile telephones, thereby permitting the economical construction of holding devices for a number of different mobile telephones through a combination of universal parts that may be used in conjunction with all mobile telephones and especially adapted versions of certain parts that are specifically configured with one or more mobile telephones. Additionally, the annular holder is advantageously constructed such that the operating elements and the display of the mobile telephone are freely accessible while the mobile telephone is held within the holding device. See page 18, lines 15-19 of the present application. Additionally, the annular holder is configured such that gripping surfaces of the mobile telephone disposed on opposite sides of the mobile telephone are also freely accessible in order to facilitate insertion and removal of the mobile telephone relative to the holding device. See page 18, lines 21-26 of the present application.

In contrast, the Yang '246 patent does not teach or suggest an annular holder that is separable as a unit from the holding surface and which includes at least the head-holding bracket and a foot holding bracket, as now recited by amended independent Claim 1. Although the mobile telephone rack of the Yang '246 patent may collectively have a somewhat annular shape, the only part that is separable from the holding surface is the rack end extension that serves as a head-holding bracket. However, the rack end extension is not an annular holder and does not include a foot holding bracket as required of the annular holder of amended independent Claim 1. Instead, that portion of the mobile telephone rack of the Yang '246 patent that serves to hold the foot of a mobile telephone is integral with the holding surface and is not separable therefrom either as a unit with the head-holding bracket as recited by amended independent Claim 1 or otherwise.

The Peiker '959 patent also fails to teach an annular holder that is separable as a unit from the holding surface and which includes at least a head-holding bracket and a foot holding bracket as set forth by amended independent Claim 1 and, indeed, the Peiker '959 patent was not cited for this proposition. Since both of the cited references fail to teach or suggest an annular holder as now set forth by amended independent Claim 1, it is submitted that no combination of

the cited references teaches or suggest an annular holder that is separable as a unit from the holding surface and which includes at least the head-holding bracket and the foot holding bracket, as set forth by amended independent Claim 1. As such, the rejection of independent Claim 1, as amended, is therefore respectfully submitted to be overcome.

Since the dependent claims include the recitations of independent Claim 1, the rejections of the dependent claims are also overcome for at least the same reasons as described above in conjunction with amended independent Claim 1. However, a number of the dependent claims include additional recitations that are not taught or suggested by the cited references, taken either individually or in combination. For example, dependent Claim 14 further defines the holding device to also include a coupling unit which is configured to capacitively and/or inductively couple wireless signals with an antenna of the mobile telephone. The functionality of the coupling unit is described, for example, by paragraph [0037] of the present application as follows:

High-frequency signals which are produced by the mobile telephone 100 in order to be radiated through the antenna 170 of mobile telephone 100 couple inductively and/or capacitively into the coupling unit 230 and are conducted further from it to an external antenna (not shown). Conversely, high-frequency signals which are received by the external antenna can be coupled, with the aid of the coupling unit 230, into the antenna 170 of the mobile telephone 100.

The Official Action notes that the Yang '246 fails to teach or suggest a coupling unit of the type set forth by dependent Claim 14, but submits that the Peiker '959 patent does disclose such a coupling unit. The Peiker '959 patent describes a holder having a contact unit 7 that is designed to make electrical contact with an interface 30 of the mobile telephone such that the mobile telephone is effectively, electrically connected to a cable 8 extending from the holder. While the contact unit 7 makes a physical electrical connection, the contact unit 7 is not described to provide any type of capacitive and/or inductive connection for wireless signals with the antenna of the mobile telephone, as set forth by dependent Claim 14. The holder of the Peiker '959 patent also includes a tab 13 that is configured to engage a recess proximate the head end of the mobile telephone as described, for example, in column 3, lines 46-49 of the Peiker

'959 patent. However, the engagement of the tab **13** of the holder of the Peiker '959 patent with the recess **31** of the mobile telephone is a mechanical connection that facilitates the proper positioning of the mobile telephone within the holder. As such, the engagement of the tab **13** of the Peiker holder with the recess **31** of the mobile telephone does not provide any mechanism for capacitively or inductively coupling wireless signals with an antenna of the mobile telephone. Indeed, the tab **13** is not described to provide any type of electrical connection. Thus, the Peiker '959 patent also fails to teach or suggest a coupling unit which is configured to capacitively and/or inductively couple wireless signals with an antenna of the mobile telephone, as set forth by dependent Claim 14.

As described above, none of the cited references, taken either individually or combination, teach or suggest a coupling unit that is configured to capacitively and/or inductively couple wireless signals with an antenna of the mobile telephone as set forth by dependent Claim 14 and, as a result, dependent Claim 14 is also patentably distinct from the cited references for at least this additional reason.

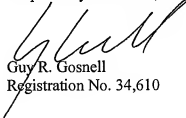
CONCLUSION

In view of the amendments and the remarks presented above, it is respectfully submitted that all of the present claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

The patentability of independent Claim 1 has been argued as set forth above and thus Applicant will not take this opportunity to argue the merits of the rejection with regard to the dependent claims. However, Applicant does not concede that the original dependent claims are not independently patentable and reserves the right to argue the patentability of the original dependent claims at a later date if necessary.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Guy R. Gosnell
Registration No. 34,610

Customer No. 00826
ALSTON & BIRD LLP

Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE
UNITED STATES PATENT & TRADEMARK OFFICE ON January 21, 2010.
LEGAL02/31723612v1